



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION: (1) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A FEASIBILITY COST SHARING AGREEMENT WITH THE UNITED STATES ARMY CORPS OF ENGINEERS; AND (2) APPROVING A BUDGET OF \$1,500,000 FOR THE OAKLAND HARBOR TURNING BASINS WIDENING FEASIBILITY STUDY.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.3 dated May 28, 2020 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment;

WHEREAS, the Port has been working closely with the United States Army Corps of Engineers ("USACE") on a feasibility study to identify the constraints of the Oakland Inner Harbor and Outer Harbor turning basins and to evaluate potential navigational improvements for handling ultra-large container vessels ("ULCV") at the Port ("Feasibility Study");

WHEREAS, in February of 2020, the USACE released its fiscal year 2020 work plan which authorized an USACE-led Feasibility Study and full federal funding of \$1.5 million;

WHEREAS, Port staff and the USACE have negotiated the terms of the Feasibility Cost Sharing Agreement ("Agreement") to describe the Port's and USACE's obligations with respect to the Feasibility Study, including a Port commitment of \$1.5 million for the Port share of Feasibility Study costs; and

WHEREAS, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report, and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Based upon the information contained in the Agenda Report, and testimony received, the Board approves and authorizes the

Port's Executive Director to execute the Agreement with the USACE as described herein and in the Agenda Report.

SECTION 2. The action to initiate a Feasibility Study to review navigational constraints and evaluate opportunities for turning basin improvements to remove limitations and inefficiencies with handling ULCV in Oakland was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"). Per Section 15061(b)(3) of the CEQA Guidelines, this action is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this Feasibility Study may have a significant effect on the environment and this action is not subject to CEQA. The Feasibility Study will include CEQA review of the preferred project identified as part of the Feasibility Study.

SECTION 3. The Board approves and authorizes a budget of \$1,500,000 pursuant to the Agreement to support the Feasibility Study, and as further described herein and in the Agenda Report.

SECTION 4. This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement, or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to the contracting party, there shall be no valid or effective agreement(s).